

Message Text

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PAGE 01 HONG K 03607 050628Z

12

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DEPT PASS DEPUTY COMMISSIONER INS

E.O. 11652: XGDS-1

TAGS: SREF CVIS PINS HK VS

SUBJ: PARAMETERS FOR HONG KONG ROLE IN ASSISTING
VIET-NAM REFUGEES

1. WITH NUMEROUS SIGNS THAT HONG KONG INVOLVEMENT WITH VIETNAM REFUGEES IS RAPIDLY INCREASING, USCONGEN OFFICERS AND KEY HONG KONG GOVERNMENT (HKG) OFFICIALS MET APRIL 4 TO DISCUSS MAJOR CONCERNS AND PROBLEMS THAT ARE LIKELY TO DEVELOP. HKG OFFICIALS (PARTICULARLY POLAD AND DIRECTOR OF IMMIGRATION) MADE CLEAR THAT WHILE HKG SHARES HUMANITARIAN CONCERNS, COLONY'S ROLE MUST BE LIMITED AND SUBJECT TO DEFINITE CONSTRAINTS.

2. ENUMERATING ECONOMIC AND SOCIAL FACTORS WHICH IMPELLED HKG LAST NOVEMBER TO INITIATE REPATRIATION TO PRC OF ILLEGAL IMMIGRANTS POLICY, HKG OFFICIALS ASSERTED COLONY WOULD FIND IT VERY DIFFICULT TO ADMIT GROUPS OF VIETNAMESE REFUGEES IF THERE WAS EVEN SLIGHT POSSIBILITY THAT SUCH REFUGEES AFTER ARRIVAL MIGHT BE STRANDED IN HONG KONG
CONFIDENTIAL

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PAGE 02 HONG K 03607 050628Z

WITHOUT ASSURED ONWARD DESTINATION.

THEY RECALLED DEPORTATION OF 118 VIETNAMESE REFUGEES OF CHINESE EXTRACTION LAST YEAR WHICH ILLUSTRATED HK DETERMINATION NOT TO ESTABLISH PRECEDENT BY WHICH HK WITH ITS VERY LIMITED AREA MIGHT BE VIEWED AS WAY STATION OR CLEARING HOUSE FOR REFUGEES FROM SURROUNDING REGION. THEY ARE PARTICULARLY CONCERNED THAT OVERSEAS CHINESE RATHER THAN ETHNIC POPULATION FROM VARIOUS SOUTHEAST ASIAN COUNTRIES MAY SEEK TO DESCEND EN MASSE ON HK.

3. HKG OFFICIALS PARTICULARLY CITED IN CONFIDENCE HKG POLITICAL CONCERN TO AVOID ANY ACTIONS WHICH MIGHT CONVEY IMPRESSION THAT COLONY COULD BECOME MIDDLE GROUND FOR INTERCHANGE OF PRC AND TAIWAN POPULATIONS. ON BOTH PRACTICAL AND POLITICAL GROUNDS THEY STRESSED NECESSITY TO KEEP PRESENT DISCUSSIONS SECRET FROM ALL THIRD PARTIES, SUCH AS VARIOUS VOLUNTARY AGENCIES AND OTHER GOVERNMENTS.

4. CONGEN OFFICERS POINTED OUT THAT NUMBER OF US COMPANIES AND PERSONS AFFILIATED WITH US GROUPS HERE AND ELSEWHERE HAD INDICATED PLANS AND INTENTIONS TO BRING OUT VIETNAMESE EMPLOYEES AND OTHER DISTRESSED GROUPS FROM VIET-NAM. IN NUMBER OF SUCH CASES THERE HAS BEEN LACK OF SPECIFIC INFORMATION RE PROCEDURES BEING FOLLOWED OR ULTIMATE DESTINATION. IF SITUATION IN VIET-NAM WORSENS, SNOW-BALLING EFFECT OF SUCH EFFORTS IN NEXT FEW WEEKS COULD BE ANTICIPATED. CONGEN OFFICERS THEN REVIEWED EXISTING REQUIREMENTS ON US SIDE THAT NORMALLY MUST BE COMPLIED WITH BEFORE REFUGEES COULD BE ADMITTED TO US. (THERE AS AGREEMENT ON BOTH HKG AND US SIDE IN THIS REGARD THAT VIET-NAM ORPHANS DO NOT POSE PROBLEMS). THESE REFUGEE PROCESSING PROCEDURES AT PRESENT WOULD REQUIRE MINIMUM OF 40 TO 60 DAYS TO COMPLETE. HKG OFFICIALS REITERATED MAIN POINT OF CONCERN AS SET FORTH ABOVE. WHILE THEY DID NOT SPECIFY THAT 40 TO 60-DAY PERIOD WOULD BE TOO LONG, OR GIVE MAXIMUM TIME PERIOD WHICH WOULD BE ACCEPTABLE TO HKG, THEY STRESSED LIMITED NATURE OF THEIR FACILITIES AND NEED TO EXPEDITE TRANSIT ASAP.

5. AS RESULT OF DISCUSSIONS, CONGEN RECOMMENDS THAT ADVANCE
CONFIDENTIAL

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PAGE 03 HONG K 03607 050628Z

PREPARATIONS BE TAKEN IN WASHINGTON NOW WHICH WOULD FACILITATE PROCESSING AND ENTRY OF VIETNAMESE REFUGEES VIA HONG KONG TO US SHOULD CONTINGENCY ARISE. FIRST WE NEED DETERMINATION FROM WASHINGTON INS/STATE WHETHER LOCAL CONDITIONAL ENTRY PROGRAM APPLIED TO VIET-NAM AND CAMBODIAN REFUGEES (I.E., DETERMINATION WHETHER SUCH REFUGEES WERE "FLEEING FROM COMMUNIST OR COMMUNIST-DOMINATED COUNTRY OR AREA"). IF LOCAL PROGRAM DOES

APPLY, THEN INS STAFFING HERE MUST BE AUGMENTED AS PRESENT BACKLOG OR PRC APPLICATIONS NUMBER MORE THAN 2000. INS HERE BELIEVES AT LEAST TWO US IMMIGRATION OFFICERS PLUS FIVE ADDITIONAL LOCAL EMPLOYEES WOULD BE NEEDED TO HANDLE ANY SUBSTANTIAL NUMBER OF INDOCHINA REFUGEES. WE WOULD ALSO NEED US VOLUNTARY AGENCY ASSURANCES AND PROCESSING ASSISTANCE.

6. ANOTHER APPROACH WOULD BE USE OF SECTION 212 (D) (5) PAROLE AUTHORITY OF I&N ACT. IN THAT CASE, SINCE HKG NOT INCLINED TO ACCEPT ANY INDOCHINA REGUEES FOR EXTENDED PERIOD OF PROCESSING HERE, ESTABLISHMENT OF REGUGEE PROCESSING CENTERS IN GUAM AND HAWAII AS WAS DONE WITH HUNGARIAN AND CUBAN REFUGEES IN PAST WOULD BE ESSENTIAL.

7. WITH REGARD TO INTRA-COMPANY TRANSFEREES (L-I NON-IMMIGRANTS, I.E. ALIEN EMPLOYEES OF US COMPANIES ABROAD WISHING TO ENTER US), DEPARTMENT SHOULD CONTACT INS WASHINGTON TO AMEND 8 CFR 214.2 (L) (1) FRANTING CONCURRENT JURISDICTION IN EMERGENCY SITUATIONS TO INS IN HONG KONG SO THAT PETITIONS MAY BE FILED AND APPROVED HERE.
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